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amnesty international

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URGENT ACTION

EXTERNAL (for general distribution)

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UA 173/93 **Health Concern/Fear of Torture**

INDONESIA/EAST TIMOR: **Xanana Gusmão, 45, leader of East Timor's independence movement**

Amnesty International is concerned at reports that Xanana Gusmão, leader of East Timor's independence movement, is in poor health after being on hunger-strike for about a week. These reports have been difficult to confirm because neither representatives of the International Committee of the Red Cross (ICRC) nor family members have been permitted to visit him since his plan to begin a hunger-strike became known. In view of concerns that Xanana Gusmão's health may be at risk, Amnesty International believes that it is essential for ICRC representatives, physicians and relatives to be granted immediate and regular access to him.

Xanana Gusmão had planned to announce that he was going to go on hunger-strike in his defence plea before the Regional Trial Court in Dili on 17 May 1993. However, after he had read only two pages of his statement the presiding judge ordered him to stop, claiming that his remarks were "irrelevant". As a result, his intention to begin a hunger-strike did not become known internationally until 21 May when his defence plea - which was smuggled out of prison - became available.

Xanana Gusmão was last seen by his family when he was taken out of court on 21 May 1993. However, to Amnesty International's knowledge, he has not received visits from anyone except his court-appointed lawyer since his trial began on 1 February 1993.

BACKGROUND INFORMATION

Amnesty International regards Xanana Gusmão's trial - at which he was found guilty of rebellion and illegal possession of firearms - as blatantly unfair. Like all political trials in East Timor and Indonesia, his trial failed to meet international standards of fairness, or even to comply with Indonesia's own Code of Criminal Procedure. In addition to procedural concerns, Amnesty International believes that the general political atmosphere within which the trial took place - one of undisguised official hostility to the defendant, and reported interference in the judicial proceedings by military and executive authorities - made a fair trial virtually impossible.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in English, or your own language:
- expressing concern that Xanana Gusmão is reported to have been on hunger-strike for about a week and that he may be in ill-health;

- noting that he is reported to have begun his hunger-strike in protest at the life sentence imposed upon him after a manifestly unfair trial;

- urging the government to allow the ICRC and relatives immediate, and thereafter frequent and regular, access to him in detention;

- urging that physicians be given immediate and regular access to Xanana Gusmão to assess his medical condition and to provide proper medical care in accordance with agreed international standards.

☎ (44)(71) 413 5500 Telegrams: Amnesty London WC1 Telex: 28502 FAX: 956 1157

Amnesty International is an independent worldwide movement working for the international protection of human rights. It seeks the *release* of men and women detained anywhere because of their beliefs, colour, sex, ethnic origin, language or religious creed, provided they have not used or advocated violence. These are termed *prisoners of conscience.* It works for *fair and prompt trials* for *all political prisoners* and works on behalf of such people detained without charge or trial. It opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or punishment of *all prisoners.*

APPEALS TO:

1. Ali Alatas
Minister of Foreign Affairs
Kementerian Luar Negeri
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Jakarta, Indonesia
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+62 21 36 7782

Salutation: Dear Minister Alatas

2. Major General Theo Syafei
Commander, KODAM IX/Udayana
Markas Besar KODAM IX/Udayana
Denpasar, Bali, Indonesia
Telegrams: Major General Syafei, Kodam IX, Denpasar, Bali

Salutation: Dear Major General Syafei

3. Haji Utoyo Usman S.H.
Minister of Justice
Ministry of Justice
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Kuningan
Jakarta Selatan
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Salutation: Dear Minister Usman

COPIES OF APPEALS TO:

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The Editor
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and to diplomatic representatives of Indonesia/East Timor accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 8 July 1993.

— Please take action as soon as you receive this Urgent Action appeal. Carefully read the recommended actions. If possible, send a telegram, telex, fax or express letter immediately to one or more of the addresses given. Other letters can be sent afterwards.

— Telegrams and letters should be brief and courteous. Stress that your concern for human rights is not in any way politically partisan. Refer to relevant provisions in international law, such as the United Nations Universal Declaration of Human Rights:

Article 3 — "Everyone has the right to life, liberty and security of person."

Article 5 — "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Article 9 — "No one shall be subjected to arbitrary arrest, detention or exile."

— The name of Amnesty International may be used, although letters written in a private or personal capacity may be more effective.

— Copies of appeals should be sent to relevant diplomatic representatives in your country.

— In Urgent Actions cases, Amnesty International has to act rapidly on behalf of victims of grave human rights violations. An appeal is issued when Amnesty International believes it has received reliable and accurate information in such cases. It is not always possible to verify all details independently and in some instances the situation outlined in the appeal may change. Urgent Action participants are always notified of any significant new facts.

— Copies of any replies received from government authorities should be sent immediately to your section's Urgent Action co-ordinator or direct to the Campaign and Membership Department of the International Secretariat. If appropriate, thank the official who has replied and ask to be kept informed about the case.